

I, MICHAEL J. WHITE, Special Agent with the Bureau of Indian Affairs (BIA) being duly sworn on oath, depose and state as follows.

INTRODUCTION

1. I have been employed as a Special Agent with the BIA, assigned to the Fort Berthold Agency, located within the exterior boundaries of the Three Affiliated Tribes (TAT), also known as the Fort Berthold Agency, New Town, North Dakota since March, 2010. As a Special Agent (SA) with the BIA, I am responsible for investigating violations of federal criminal law, and crimes in Indian country, including on the Fort Berthold Indian Reservation (FBIR).
2. As a federal agent, I am authorized to investigate violations of United States laws and execute warrants issued under the authority of the United States.
3. This affidavit is made in support of information obtained during the course of my investigation and upon information obtained from law enforcement investigative activities. It is not an exhaustive catalogue of all the facts presently known by investigators.
4. I believe there is probable cause demonstrating that CHAD FOX violated 18 U.S.C. ' 2242, and engaged, in or attempted to engage in, a sexual act with CHANTEL DUCHENEAUX while she was incapable of appraising the nature of the conduct or physically incapable of declining participation in, or communicating unwillingness to engage in a sexual act. Therefore, I am requesting that this Court issue a search warrant to permit law enforcement to search CHAD FOX's residence located at #140, Sesame Frontage Road also known as Sesame Street, White Shield ND, occupied by CHAD FOX.

BACKGROUND OF INVESTIGATION

5. On December 4, 2018, I was notified of a possible sexual assault occurring on the Fort Berthold Indian Reservation. On that date, I contacted FBI SA Megan Bennett, advised her that CHANTEL DUCHENEAUX agreed to undergo a sexual assault nurse examination (SANE) at Trinity Hospital in Minot, ND, and asked SA Bennett to collect DUCHENEAUX's SANE kit at the conclusion of the SANE.
6. SA Bennett met DUCHENEAUX at Trinity Hospital. SA Bennett noted that DUCHENEAUX was staggering, used the wall for support, and stated that her head hurt. SA Bennett conducted an interview with DUCHENEAUX, wherein she stated that she was sexually assaulted by CHAD FOX. Specifically, DUCHENEAUX told SA Bennett the following:
 - a. DUCHENEAUX had been with ROBIN NOLAN (whom she called "Beep") and others at the Hometown Bar in Garrison. She, NOLAN, SAMANTHA MEYERS, and FOX went to FOX's house on Sesame Street, in White Shield, ND. She drank what she thought was a little vodka, and fell asleep on a couch in the house. Before DUCHENEAUX fell asleep, NOLAN had left with his phone, and the only other people in the house were MEYERS and FOX. DUCHENEAUX asked them to

contact NOLAN, and "they", meaning MEYERS and FOX, told DUCHENEAUX that NOLAN had "left her there for" FOX.

- b. When DUCHENEAUX woke up, she was in a dark room on a bed. She had not been in the room before. There was some light coming from the kitchen downstairs that cast a faint light in the room. She could not see what was in the room but it seemed cluttered. Her pants and underwear were down near her ankles. Her shirt, boots, and socks were off. Her bra was pushed up over her breasts so they were exposed. Her hands were up over her head and she was on her back. Her legs were spread and she felt "all wet down there", and like he had had sex with her. She has never had sex with FOX. FOX was on top of her, and he was sucking on the right side of her neck. FOX did not know she had anything on that side of her neck until NOLAN pointed it out to her later. The first time DUCHENEAUX saw the mark on the left side of her neck, was when she looked in the mirror this morning. The marks (that DUCHENEAUX pointed out to SA Bennett, photographed by SA Bennett) on her neck are new. There are also some bruises on her arms, but DUCHENEAUX does not know how she got them. DUCHENEAUX told FOX to get off her. She went downstairs. He came downstairs some minutes later, laughing and acting like nothing happened. When DUCHENEAUX came downstairs, MEYERS was asleep on the other couch, not the couch where DUCHENEAUX had fallen asleep. DUCHENEAUX wanted to leave, and she could not find her boots anywhere. It was cold outside so she did not leave, because she had no shoes. She found one of the kitties in the house and held it and cried some.
- c. FOX told MONTE one time something like, "let us buy your girl". FOX has bought girls like "Angeline". NOLAN's mom, CLARINDA HOSIE, later told DUCHENEAUX that DUCHENEAUX had called her from NOLAN's phone, but DUCHENEAUX did not know how that could be possible, since DUCHENEAUX knew NOLAN left FOX's house with NOLAN's phone. NOLAN's phone is in FOX's house and is a Galaxy Luna, "J something" and the code is 2112. HOSIE called CORY YELLOW BIRD (CORY), and CORY picked up DUCHENEAUX. CORY took DUCHENEAUX to his place and made her tacos at around midnight, and DUCHENEAUX slept on CORY's couch. Then, DUCHENEAUX tracked down NOLAN at WESLEY HOWLING WOLF's house. NOLAN told her that she had been with FOX. NOLAN said NOLAN had gone to FOX's house, and MEYERS and FOX told him what happened, and DUCHENEAUX was already gone by the time NOLAN came back to FOX's house. NOLAN and DUCHENEAUX had been engaged but they broke up this morning, because MEYERS and FOX told NOLAN that DUCHENEAUX had cheated on NOLAN with FOX. NOLAN broke DUCHENEAUX's phone although it wasn't working anyways except when plugged into a charger, and her phone is in the trash at HOSIE's house. NOLAN told DUCHENEAUX that she had his phone, but DUCHENEAUX could not understand how that could be, because she thought NOLAN took his phone with him when he left her at FOX's house.

- d. After DUCHEAUX and NOLAN broke up, DUCHEAUX packed her bag and left HOSIE's house. She went walking towards the police department. She tried to track down MONTE and he was going to wait for her at the auto place by the Cenex. But then "Gordy" (McLean County Sergeant Gordon Malaterre) saw her walking and stopped her. "Gordy" asked her about her face. DUCHEAUX did not know how her face got like that. She did not remember how she got the marks on it. It wasn't bleeding that she knew of but she did see some blood on her hand. She only knew that her face didn't hurt before she fell asleep on the couch at FOX's house, but then that her face did hurt when she woke up upstairs, on the bed when FOX was on her. DUCHEAUX thought MEYERS may have hit her, because MEYERS was getting irritated with DUCHEAUX, but DUCHEAUX did not recall getting hit. She knew she got it though. Her face hurt. "Gordy" brought DUCHEAUX in his vehicle to Deep Water curve (a curve in the main route from Garrison to Parshall), where he transferred DUCHEAUX to Officer Deemer. Officer Deemer brought DUCHEAUX to Parshall, where she was checked out by an ambulance crew. YOUNGBIRD met DUCHEAUX there, and brought her to Trinity Hospital.
7. SA Bennett retrieved DUCHEAUX's kit at Trinity Hospital from the attending SANE at 11:34 P.M., and the kit was secured at MRA's evidence storage room at approximately 11:42 P.M.
8. FOX lives at his mother, Yvette Fox, also known as Yvette LaCroix, house, which is a two-story-split-level house on #140 Frontage Road, also known as Sesame Street in White Shield, ND. This house is located within the exterior boundaries of the Fort Berthold Indian Reservation.
9. FOX is an enrolled member of the Three Affiliated Tribes.

CONCLUSION

Based upon the above stated information, I respectfully believe there is probable cause to issue a search warrant on the CHAD FOX' residence located at #140 Frontage Road, also known as Sesame Street, White Shield, North Dakota.

Specifically, I am requesting a search warrant to take photographs of the residence and to search for the following items:

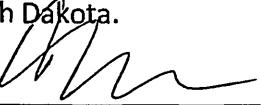
1. Bedding; including sheets, blankets, and comforters;
2. DUCHEAUX's clothing including her boots; and
3. Any evidence demonstrating sexual activity; including bodily fluids and condoms

Dated this 6th day of December, 2018.



MICHAEL J. WHITE
Special Agent, Bureau of Indian Affairs

Subscribed and sworn to me telephonically before this 6th day of December, 2018, in Bismarck,
North Dakota.


CHARLES S. MILLER JR.
United States Magistrate Judge
